



Lewis Johs Avallone Aviles, LLP

Counsellors at Law

April 17, 2023

Via CM/ECF

Judge Diane Gujarati
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Kump/O'Brien v. Chapin Home for the Aging
Case No.: 1:22-cv-03189-DG-MMH
LJAA File No.: 0389.1028.0000

Dear Judge Gujarati:


As you are aware, the undersigned represents defendant CHAPIN HOME FOR THE AGING ("Defendant") in the above-referenced action. Please allow this letter to serve as a joint status update. As this Honorable Court is aware, this matter was stayed pending the decisions in *Leroy v. Hume*, Nos. 21-2158, 21-2159 (cons.) and *Rivera-Zayas v. Our Lady of Consolation Geriatric Care Center*, 21-2164.

Decisions were issued in these matters on April 13, 2023. They are attached for the Court's reference.

Since the decisions were just issued, we request that the stay continue 2 more weeks so we can evaluate our client's position regarding the contemplated motion practice concerning dismissal and remand in response to these decisions.

We have submitted this letter to counsel for the plaintiff and they have consented to its filing as a joint status update. Thank you for your consideration.

Respectfully submitted,



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cc: **Via CM/ECF**
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